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REMARKS

Claims 1, 3-24 and 26-49 are pending in the application. Claims 3, 8, 11, 14, 16, 19, 21, 23, 26, 28, 29, 33, 35, 40, 42 and 48 were indicated to be allowable, subject to objection. Claims 1, 4-7, 9, 10, 12, 13, 15, 17, 18, 20, 22, 24, 27, 30-32, 34, 36-39, 41, 43-47 and 49 were rejected under 35 U.S.C. 102(e) as being anticipated by Chuah. Claims 1, 9, 17, 24, 30, 37, 44, and 47 are currently amended. Reconsideration in view of the amendments to the claims is respectfully requested.

Claims 1, 9, 17 and 47 are directed to label distribution which distinguishes Chuah by utilizing a data packet to distribute a label. In other words, a packet actually containing user data is used rather than a network management protocol packet. The Office suggests that Chuah teaches this feature at Fig. 5 and the associated text at Col. 6, line 27 through Col. 7, line 24. However, careful review of the cited figure and text reveals that what is being described is actually label switching, rather than label distribution. For example, it is stated that "FIG. 5 illustrates how a flow of packets from Source PC access device S-1 to destination PC access device D-1 is conveyed over the Multi-Protocol Label Switching (MPLS) network of FIG. 4." (Col. 6, lines 26-30) Label switching is what takes place after label distribution. It is therefore hardly surprising that no label distribution protocol is described in the cited passage. Further, since the present invention recites label distribution rather than label switching the cited passage associated with Fig. 5 of Chuah is irrelevant.

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Chuah does describe label distribution at columns 9-10. For example, Chuah teaches that an advertisement message is sent from LSR-4 to LSR-7 in order to advertise the label and construct the table. (Col. 9, line 62-Col. 10, line 40. However, such an advertisement message is a signaling protocol message, e.g., an LDP message, which does not include any user data and which was not received from some other device.

Claims 1, 9, 17 and 47 have been amended to emphasize features which distinguish Chuah. For example, claim 1 now recites "receiving an unlabelled packet at the first label switching device ... appending the new label to the packet, thereby creating a labeled packet; setting an indicator in the packet to indicate that the packet is labeled ... whereby the labeled packet itself establishes the label switched path at the downstream label switching device." Similarly, claim 9 recites "an incoming interface operable to receive an unlabelled packet; ... packet processing logic operably coupled to allocate a new label to the unlabelled packet for a new label switched path to the second label switching device, thereby creating a labeled packet, ... whereby the labeled packet itself establishes the label switched path at the downstream label switching device." Claims 17 and 47 now recite similar distinguishing limitations, support for which is in the specification as filed at page 7. Because Chuah fails to teach label distribution by appending a new label to an unlabelled packet received from another device, withdrawal of the rejections of claims 1, 9, 17 and 47 is requested.

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Claims 24, 30 and 37 are directed to receiving the data packets having new labels and using them to implement the new label switched path. Chuah fails to teach use of the newly labeled data packets for the same reasons that Chuah fails to teach generation of the packets. In particular, Chuah only teaches label distribution via signaling protocol packets. (See cols. 9-10) Claim 24 has been amended to emphasize the distinguishing feature and now recites "receiving a labeled data packet including a new MPLS label and an indicator bit set to indicate that the labeled packet is newly labeled from a second, upstream label switching device; and setting up the label switched path using the new label." Claims 30 and 37 recite similar distinguishing limitations, support for which is in the specification as filed at page 7, among other passages. Because Chuah fails to teach receiving the data packets having new labels and using them to implement the new label switched path, withdrawal of the rejections of claims 24, 30 and 37 is requested.

Claim 44 is directed to a network architecture that includes limitations of both groups of claim sets described above. In particular, claim 44 recites "wherein the first label switching device and the second label switching device use a data packet-driven mechanism to establish a label switched path from the first label switching device to the second label switching device without first explicitly establishing the label switched path using a signaling protocol packet." Withdrawal of the rejection of claim 44 is therefore requested for the same reasons discussed above.

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Claims 2, 4-7, 10, 12, 13, 15, 18, 20, 22, 24, 27, 30-32, 34, 36-39, 41, 43-46 and 49 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as their respective base claims. Further, claims 3, 8, 11, 14, 16, 19, 21, 23, 26, 28, 29, 33, 35, 40, 42 and 48 were already indicated by the Office to be allowable. Withdrawal of the rejections of claims Claims 2, 4-7, 10, 12, 13, 15, 18, 20, 22, 24, 27, 30-32, 34, 36-39, 41, 43-46 and 49 is therefore requested.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney, at 978-264-4001 (X305) so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

August 30, 2005
Date


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Docket No. 120-183
Dd: 10/11/2005